

## **EXHIBIT 6**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

TEVA PHARMACEUTICALS USA, Inc.,  
a Delaware corporation,

Defendant.

TEVA PHARMACEUTICALS USA, Inc.,  
a Delaware corporation, and TEVA  
PHARMACEUTICAL INDUSTRIES LTD.,  
an Israeli corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER, S.A., a French corporation,

Counterclaim Defendants.

ABBOTT LABORATORIES, an Illinois corporation, FOURNIER INDUSTRIE ET SANTÉ, a French corporation, and LABORATOIRES FOURNIER S.A., a French corporation,

Plaintiffs,

v.

IMPAX LABORATORIES, INC,  
a Delaware corporation,

Defendant.

Civil Action No. 02-1512 (KAJ)  
(consolidated)

Civil Action No.: 03-120-KAJ  
(Consolidated)

IMPAX LABORATORIES, INC,  
a Delaware corporation,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, an Illinois  
corporation, FOURNIER INDUSTRIE ET  
SANTÉ, a French corporation, and  
LABORATOIRES FOURNIER, S.A., a  
French corporation,

Counterclaim Defendants.

IN RE TRICOR DIRECT PURCHASER  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

IN RE TRICOR INDIRECT PURCHASER  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

Civil Action No. 05-340 (KAJ)

(consolidated)

Civil Action No. 05-360 (KAJ)

(consolidated)

**[PROPOSED] ORDER**

Upon consideration of Defendants Abbott Laboratories (“Abbott”), Fournier Industrie et Santé, and Laboratoires Fournier, S.A.’s (collectively, “Fournier”) Consolidated Motion to Dismiss Plaintiffs’ Complaints, the oppositions thereto, and the consolidated reply, it IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006, that the motion be and hereby is GRANTED in its entirety.<sup>1</sup>

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<sup>1</sup> This order resolves all of the following consolidated actions: *Abbott Laboratories v. Teva Pharmaceuticals USA, Inc.*, C.A. No. 02-1512 (KAJ); *Abbott Laboratories v. Impax Laboratories, Inc.*, C.A. No. 03-120-KAJ; *In re Tricor Direct Purchaser Antitrust Litigation*, C.A. Nos. 05-340 KAJ, 05-351 KAJ, 05-358 KAJ, 05-404, 05-605; and *In re Tricor Indirect Purchases Antitrust Litigation*, C.A. Nos. 05-360 (KAJ), 05-591 (KAJ).

Plaintiffs' claims with respect to all of Defendants' conduct relating to the introductions of new forms of fenofibrate fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED as follows:

- Plaintiffs' claims with respect to Defendants' introduction of new fenofibrate products fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to Defendants' discontinuance of fenofibrate products fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to Defendants' communications with the NDDF service fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect Defendants' listing of patents in the Orange Book fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' claims with respect to all of Defendants' conduct relating to the Tablet and Capsule Litigations fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED as follows:

- Plaintiffs' claims with respect to the Capsule Litigation are immunized from antitrust challenge by the *Noerr-Pennington* doctrine and otherwise fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' claims with respect to the Tablet Litigation are immunized from antitrust challenge by the *Noerr-Pennington* doctrine and otherwise fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs fail to adequately plead antitrust injury with respect to the Defendants' litigation conduct and therefore lack antitrust standing to assert those claims. These claims are therefore DISMISSED.
- Plaintiffs' *Walker Process* claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' claims with respect to an "overall scheme" fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

Plaintiffs' various state law claims fail to state a claim upon which relief may be granted. These Claims are therefore DISMISSED as follows:

- Plaintiffs' state law tortious interference claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED
- Plaintiffs' state law antitrust claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.
- Plaintiffs' state law consumer protection claims fail to state a claim upon which relief may be granted. These claims are therefore DISMISSED.

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The Honorable Kent A. Jordan  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2005, I caused to be served by hand delivery the foregoing document and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following:

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I hereby certify that on December 23, 2005, I sent by electronic mail the foregoing document to the following non-registered participants:

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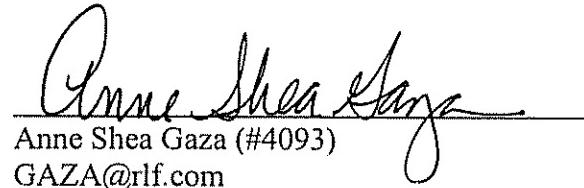
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